

## **AFTER ACTION AGENDA**

### **REGULAR CITY COMMISSION MEETING MONDAY, JULY 7, 2014 6:30 P.M.**

**DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA**

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### **AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Vice Mayor Herzberg – Nick Pizza.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes - Regular City Commission Meeting of June 16, 2014.**

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of June 16, 2014.
  - B. **Additions or Deletions to Agenda.**

City Manager Dave Denny requested to remove Agenda Item 8-B and place it on the Workshop scheduled for July 28, 2014.

City Attorney Becky Vose requested to pull Agenda Item 8-C.

#### **PRESENTATIONS/AWARDS/REPORTS:**

- A. **Proclamation - Parks and Recreation Month - July, 2014.**
  - B. **Proclamation - Penny & Nicole Hession - VLOC Citizen of the Year Award; Nicole Hession - Johana Knox Youth Chrysalis Award.**
6. **PUBLIC FORUM – Citizen comments for any items.  
(4 minute maximum length)**

**CONSENT** All items marked with an \* will be considered by one motion unless removed  
**AGENDA:** from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

**7. CONSENT AGENDA:**

**8. ORDINANCES AND PUBLIC HEARINGS:**

- A. Public Hearing - Ordinance No. 05-2014, an amendment to rezone ±8.67 acres of land located at 110 Howland Boulevard from the Volusia County zoning designation of Rural Residential (RR) to the City of Deltona zoning designation of Retail Commercial (C-1), at first reading.**

*The City has received an application to amend the Official Zoning Map from the Volusia County (County) zoning classification of Rural Residential (RR) to the City of Deltona (City) zoning classification of Retail Commercial (C-1), for ±8.67 acres located at 110 Howland Boulevard. The area proposed to be rezoned is currently vacant and wooded, with the exception of two (2) single family dwelling units and ancillary structures.*

*The subject property was annexed into the City in 2004. The County future land use designation of Urban Low Intensity was changed to the City future land use designation of Commercial (C) in 2006. As part of the Future Land Use Map amendment process, the Volusia Growth Management Commission (VGMC) conditionally approved the change to Commercial that included a limitation on intensity, which resulted in a floor area ratio (FAR) cap of 0.22, as well as a limitation to the amount of curb-cuts allowed onto SR 415. These conditions will be adhered to throughout the development process and is supported by the FDOT design of the improved SR 415.*

*This rezoning request is consistent with the City's Comprehensive Plan and is compatible with surrounding existing and planned land uses. The City has the public service capacity to support the proposed development of the property under the C-1 zoning. The rezoning action will encourage commercial development within the City. Finally, on June 18, 2104, the Planning and Zoning Board recommended that the City Commission approve Ordinance No. 05-2014.*

**After discussion, the Commission voted unanimously to do a continuance of Ordinance No. 05-2014 to the August, 2014 meetings.**

- B. Ordinance No. 13-2014, Amending the Firefighter's Pension Plan by allowing the Fire Chief the option of Opting Out of Participation, at first reading and to schedule second and final reading for July 21, 2014.**

*At the present time, the pension ordinance provides that all full-time firefighters shall, as a condition of employment, become participants in this plan as of the later of the October 1, 1997 or his or her date of employment (or reemployment, if applicable) with the city. However, the fire chief shall have the option to participate in the plan or to participate in the City of Deltona General Employees' Pension Plan.*

*Ordinance No. 13-2014 will amend Chapter 46, "Pension plans," Article II, "Firefighter's Pension Plan," of the Code of Ordinances of the City of Deltona, Section 46-27, "Participation – Conditions of eligibility," amending the Firefighter's Pension Plan by allowing the Fire Chief the option of Opting Out of Participation without participating in the general employee's pension plan. The Deltona general employee's pension plan does not permit a firefighter to belong.*

**This item was pulled from the agenda by the City Manager and will be placed on the Workshop scheduled for July 28, 2014.**

- C. Ordinance No. 14-2014 - Amending Section 42-186, of Article IV, "Fire Codes", of Chapter 42, "Fire Prevention and Protection", of the Code of the City of Deltona, Adopting More Recent Standard Code Provisions and Providing for New Methods of Appeals of Certain Decisions, at first reading and to schedule second and final reading for July 21, 2014.**

*The current city code adopts the 2001 Florida Fire Prevention Code and the 1994 Life Safety Code. This ordinance adopts the most recent of those codes, the 2010 Florida Fire Prevention Code, as amended, and the 2009 Life Safety Code, as amended.*

*This ordinance also provides that appeals of decisions of the city Life Safety Manager pertaining to the codes may be appealed to the city Fire Chief, and the Fire Chief's decision may be appealed to the city's Special Magistrate, whose decision shall be final.*

*In addition, the ordinance provides that if the building official and the fire official are unable to agree on a resolution of a conflict between the Florida Building Code and the Life Safety Code, the conflict shall be referred to the city's Special Magistrate who shall resolve the conflict in favor of the code that offers the greatest degree of life safety or alternatives that would provide an equivalent method of construction.*

**This item was pulled from the agenda by the City Attorney.**

- D. Ordinance No. 12-2014, regarding anti-blight, at first reading and to schedule second and final reading for July 21, 2014.**

*This proposed ordinance would require mortgagees to register properties in default/foreclosure with the city. It would require mortgagees (only ones that have the contractual right to enter unto the mortgaged property to secure and repair the property upon default by the property owner - which includes most institutional mortgagees), to actually maintain the property during a mortgage foreclosure if the property is either abandoned or is in disrepair. As part of the registration process, a mortgagee is required to designate a property maintenance company to monitor the property being foreclosed, and maintain and repair the property if it is abandoned or falls into disrepair. If the mortgagee does not comply with the ordinance, the Special Master can assess a fine against the mortgagee not to exceed \$250. Every day of non-compliance is a separate offense. A certified copy of an order imposing fines can be recorded and constitutes a lien upon any real or personal property owned by the mortgagee in violation.*

*A Workshop was held on Monday, June 23, 2014 to discuss this ordinance.*

**After discussion, the Commission voted unanimously to adopt Ordinance No. 12-2014 with the change on Page 2, Sec. 37-4(6) from “30 days” to “60 days” at first reading, and to schedule second and final reading for July 21, 2014.**

**E. Ordinance No. 11-2014, regarding the City's Rental Regulatory License, at first reading and to schedule second and final reading for July 21, 2014.**

*This ordinance is proposed as a replacement for the business tax receipt ordinance for rental houses. The regulatory fees that will be imposed under this ordinance are based upon the actual cost to the city of the regulation provided under the terms of the ordinance. It also requires that renters provide to Deltona Water a copy of the rental regulatory license and a notarized statement of authorization from the record owner of the property prior to turning on water/sewer services. This will assist the city in keeping track of rental properties and help prevent squatters from taking over abandoned properties.*

*A Workshop was held on Monday, June 23, 2014 to discuss this ordinance.*

**After discussion, the Commission voted unanimously to adopt Ordinance No. 11-2014 at first reading, and to schedule second and final reading for July 21, 2014.**

**F. Ordinance No. 18-2014, regarding unfit and unsafe structures, at first reading and to schedule second and final reading for July 21, 2014.**

*This ordinance sets forth all the procedures for the city to demolish unfit and unsafe structures within the city and assess the costs as a lien on the property that can also be collected through non-ad valorem tax procedures.*

*A Workshop was held on Monday, June 23, 2014 to discuss this ordinance.*

After discussion, the Commission voted unanimously to adopt Ordinance No. 18-2014 with the change on Page 3, Sec. 18-104 from “five (5) days” to “thirty (30) days” at first reading, and to schedule second and final reading for July 21, 2014.

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

**A. Request for approval for waiver of all fees - SE 14-006-Latin Festival 2014.**

*The City of Deltona has received a request from Emma Santiago of the Volusia County Hispanic Association (VCHA), to waive all fees (police, fire, public works, field use and permits) associated with the annual Latin Festival that is scheduled to take place on Sunday, September 21, 2014 from 11:00 AM to 8:00 PM at the Dewey Boster Sports Complex.*

*Waiver of fees, Commission Policy # CC99-005, adopted March 7, 2011 (supersedes policy dated February 7, 2005) allows for a maximum dollar value for in-kind donations of \$2,500.00 (police, fire, permits, etc.) for any special event that has an expected attendance of more than 900 people.*

*Additionally, VCHA has requested use of two message boards for 10 days; however, there is a possibility that both message boards might not be available due to an emergency need. If that situation arises, every effort will be made to provide one message board for the event. VCHA has requested the the Dewey Boster Concession Operation remain closed for this event, similiar to last four previous years. The fees for this event are listed below:*

*Sheriff's Office: \$5,130 (6 deputies from 10am - 9pm & 6 deputies from 1pm-9pm at \$45 per hour)*

*Public Works: \$2,402.50 (includes use of generator)*

*Parks & Rec: \$1,010.00*

*Fire Dept: \$ 1,400.00*

*Total: \$9,942.50*

After discussion, the Commission voted 3 to 2 (Commissioner Nabicht and Commissioner Schleicher voted against the motion) to adopt an annual All Nations Multi-cultural Festival to be put by the City of Deltona, to budget \$5,000 from the General Fund this fiscal year to be applied to the costs for the VCHA event this year. and in the future the City of Deltona will annually put on an All Nations Multi-cultural Festival in honor of Gus and Mary Dowels as funded per the budget process in the future.

**B. Request for approval of 2014-2015 Law Enforcement Services Agreement.**

*This Amendment is to authorize the County of Volusia to continue to provide law enforcement services and equipment to the City of Deltona for fiscal year 2014-2015, for the sum of \$9,855,726.00. The amended price allows for an increase of \$260,768.00 or 2.72% from the current 2013-2014 fiscal year's cost of \$9,594,958.00.*

*The Agreement continues to provide the City of Deltona with 76 sworn personnel inclusive of supervisors as full staffing, and three (3) unsworn office workers.*

**After discussion, the Commission voted unanimously to table approval of the Law Enforcement Services Agreement until the July 21, 2014 City Commission meeting.**

**C. Appointment of an individual to fill the remainder of the District 5 Commission seat.**

*At the City Commission Meeting held on Monday, June 16, 2014 Commissioner Lowry announced his resignation from Commission District 5 seat.*

*At the Workshop held on Monday, June 23, 2014 the City Commission discussed the vacant District 5 seat left by Commissioner Lowry and decided to have a Special City Commission Meeting on Monday, July 7, 2014 at 6:00 p.m. before the regular meeting to rank and narrow down the submitted applications from those individuals interested in filling the vacancy. The appointment of the individual to fill the remainder of the term for the Commission District 5 seat will be made at the City Commission Meeting at 6:30 p.m. on July 7, 2014.*

**11. CITY ATTORNEY COMMENTS:**

**12. CITY MANAGER COMMENTS:**

**A. Lobbyist Update.**

**13. CITY COMMISSION COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.